



Attorney Docket No. 24370.00

Customer No. 37833

Confirmation No. 1503

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE *PATENT APPLICATION* OF:

APPLICANT : **JOHN H. PENNY III *et al.***

APPL. NO. : **10/790,822**

ART UNIT : **1772**

FILED : **MARCH 3, 2004**

EXAMINER: **NORDMEYER, P.**

TITLED : **AIR FRESHENER**

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated November 4, 2005, the Examiner required restriction under 35 U.S.C. § 121 prior to an examination on the merits of the above-identified application. The separate inventions identified by the Examiner are as follows:

- I. Claims 1-14, drawn to an air freshener system.
- II Claims 15-20, drawn to a method of making an air freshener system.

The Examiner states that the inventions of Groups I and II are related as product and process of making the same. In order to establish that the separate inventions of Groups I and II are distinct, the Examiner asserts that the product of Group I can be made by a process materially different from that of Group II.

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In compliance with the Examiner's restriction requirement, Applicants provisionally elect with traverse for further prosecution the invention defined by Claims 1-14 (designated as Group I).

Notwithstanding the propriety of the restriction requirement for examination purposes, Applicants contend that they should be entitled to a consideration of a reasonable number of related embodiments falling within the scope of a generic inventive concept. Moreover, it would appear that a search and examination of the entire application could be accomplished without a serious burden on the Examiner since the multiple embodiments identified of record would seemingly encompass a common field of search.

Therefore, it is respectfully requested that the Examiner withdraw the restriction requirement and issue an action on the merits of the claimed embodiments presently in the application. Alternatively, should the Examiner maintain the requirement, Applicant awaits a complete action on the merits of the elected subject matter.

Respectfully submitted,



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DHT:RCL